IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR.JUSTICE J..B.KOSHY
&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5759 of 2007(I)

PETITIONER:

V.VINOD, AGED 35 YEARS,
S/O. K.VASU MOHANAN, PUTHUKULATH CHAITHANYA,
KOODAL-689 693, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY
SMT.LAKSHMI B.SHENOY

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
KOODAL POLICE STATION, KOODAL-689 693,
PATHANAMTHITTA DISTRICT.

2. CITU VILLAGE COMMITTEE,
KALANJOOR & KOODAL, CITU OFFICE, KALANJOOR-689693,
PATHANAMTHITTA DISTRICT, REPRESENTED BY
ITS CONVENOR, S.ACHUTHAN NAIR.

3. AITUC KALANJOOR VILLAGE COMMITTEE,
AITUC OFFICE, KALANJOOR, PATHANAMTHITTA DISTRICT,
REPRESENED BY ITS CONVENOR, ELAMANNUR RAVI.

4. AITUC KOODAL UNIT,
AITUC OFFICE, KOODAL-689 693, PATHANAMTHITTA
DISTRICT, REPRESENTED BY ITS CONVENOR,
V.SASINDRAN KOODAL.

5. BMS KOODAL VILLAGE COMMITTEE,
KOODAL-689 693, PATHANAMTHITTA DISTRICT,
REPRESENTED BY ITS CONVENOR, PURUSHOTHAMAN.

6. THE ASSISTANT LABOUR OFFICER,
ADOOR.

BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR ,JJ

W.P(C) No. 5759 0f 2007

Dated this the 21st day of February 2007

JUDGMENT

Koshy.J

This is a petition for police protection Petitioner owns 2 lorries engaged in transportation of metal , sand, rock etc. According to the petitioner apart from Driver and Cleaner he had permanent head load workers But local registered workers under the Head Load Workers Act are objecting the work to be carried out by his own workers. Area where he is operating the lorries are not covered by Head Load workers scheme. It is also submitted that the local head load workers made a demand for increase in wages and that is pending conciliation.

2. As per the permit conditions petitioner cannot take head load workers in the lorry. Even if area in question where activities are carried out are not scheme covered area, petitioner is bound to register his permanent head load workers under the Kerala Head Load Workers Act. Other workers cannot do the loading and unloading work as this is not a a work which can be done by permanent workers as an incidental work along with their main jobs in the establishment. Further loading and

unloading work is carried out not for the petitioner but for the customers. A reading of the petition will show that the petition is filed as a counter-blast to the demands made by the head load workers to increase their piece rate wages. If there is any dispute the petitioner can approach the Statutory authority under Head load Workers' Act. However police shall keep the law and order and see that the orders of the Statutory authority are not violated. This writ petition is disposed of accordingly.

J.B.KOSHY ,JUDGE

T.R.RAMACHANDRAN NAIR ,JUDGE

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